

Amendment No. 1 to SB1111

Gardenhire
Signature of Sponsor

AMEND Senate Bill No. 1111*

House Bill No. 1380

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Mature Minor Doctrine Clarification Act."

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Department" means the department of health;

(2) "Healthcare provider" means a healthcare professional, healthcare establishment, or healthcare facility licensed, registered, certified, or permitted pursuant to this title or title 68 or regulated under the authority of either the department of health or an agency, board, council, or committee attached to the department of health, and that is authorized to administer vaccinations in this state;

(3) "Minor":

(A) Means an individual who has not attained eighteen (18) years of age; and

(B) Does not include an individual who:

(i) Is emancipated pursuant to title 29, chapter 31;

(ii) Is in need of emergency treatment pursuant to § 63-6-222;

(iii) Is or was previously a member of the armed forces

of the United States, or a member of a reserve or national guard unit; or

(iv) Is the parent of a minor child and has full custody of that minor child;

(4) "Vaccination" means the act of introducing a vaccine into the body; and

(5) "Vaccine" means a substance intended for use in humans to stimulate the body's immune response against an infectious disease or pathogen.

(b)

(1) A healthcare provider shall not provide a vaccination to a minor unless the healthcare provider first receives written informed consent from a parent or legal guardian of the minor. The healthcare provider shall document receipt of, and include in the minor's medical record proof of, such prior parental or guardian informed consent.

(2) An employee or agent of this state shall not provide, request, or facilitate the vaccination of a minor child who is in the custody of this state, except:

(A) Upon written request to, and court order from, the appropriate court;

(B) If a parent or legal guardian of the minor has provided prior written informed consent to the vaccination; or

(C) If the parental rights of each of the minor's parents or legal guardians have been terminated by a court, and all opportunities for appeal have been exhausted.

(3) A violation of this section is an unlawful practice and is grounds for the offending healthcare provider's licensing authority to suspend, revoke, or refuse to renew the healthcare provider's license or take other disciplinary

action allowed by law.

(4) If the licensing authority of a healthcare provider receives information of a violation or potential violation of this section by the healthcare provider, then the licensing authority shall conduct an immediate investigation and take appropriate disciplinary action.

(c) To the extent this section conflicts with another law, this section controls.

SECTION 3. Tennessee Code Annotated, Section 14-4-103, is amended by deleting the section and substituting:

A healthcare provider shall not provide a patient who is a minor with a COVID-19 vaccine without first obtaining written consent from the minor patient's parent or legal guardian.

SECTION 4. If a provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 5. The department of health is authorized to promulgate rules to effectuate this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it.